

REMARKS

The outstanding issues are as follows:

- Claims 30, 35, 40, and 46 are objected to under 37 C.F.R. § 1.75(c) as being of improper dependent form;
- Claims 1–17, 19–24, 26–29, 32–34, 37–39, and 43–45 are rejected under 35 U.S.C. § 102(e); and
- Claims 18, 25, 30, 31, 35, 36, 40–42, and 46–48 are rejected under 35 U.S.C. § 103(a).

I. AMENDMENTS

Applicant has amended claims 30, 35, 40, and 46 to replace the phrase “the audio visual program includes full-motion video content and audio content” with “the data comprises full-motion video data and audio data.” Support for the noted amendments can be found in the specification at least at page 10, lns 3–5 and page 11, ln 14 – page 12, ln 19. No new matter is presented.

II. OBJECTIONS UNDER 37 C.F.R. 1.75(c)

The Examiner objected to claims 30, 35, 40, and 46 under 37 C.F.R. § 1.75(c) as being in improper dependent form. Specifically, the Examiner alleges that claims 30, 35, 40, and 46 fail to further limit the subject matter of the independent claims from which claims 30, 35, 40, and 46 depend, respectively.

In response to the Examiner’s objections, Applicant amended claims 30, 35, 40, and 46 to describe the further limitation of the data transmitted by the server system disclosed in independent claims 27, 32, 37, and 43, from which claims 30, 35, 40, and 46 depend, as being “full-motion video data and audio data.” Thus, as amended, each of claims 30, 35, 40, and 46 further limits the subject matter of its respective base claim. As Applicant has now addressed each of the claims to which the Examiner has objected, Applicant respectfully requests the Examiner to withdraw his objections to claims 30, 35, 40, and 46.

III. REJECTIONS UNDER 35 U.S.C. § 102(e)

Claims 1–17, 19–24, 26–29, 32–34, 37–39, and 43–45 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,629,079 to Spiegel et al., (hereinafter *Spiegel*).

It is well settled that to anticipate a claim, the reference must teach every element of the claim. *See* M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim.” *See* M.P.E.P. § 2131, *citing In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” *See* M.P.E.P. 2131, *citing Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts that the rejection does not satisfy these requirements.

In his rejection of claims 1–17, 19–24, 26–29, 32–34, 37–39, and 43–45, the Examiner argues that each of the independent claims, claims 1, 7, 13, 20, 27, 32, 37, and 43, are anticipated by the same passage from *Spiegel*, Col. 6, line 59 through Col. 7, line 31. This selected citation from *Spiegel* describes a typical Web/Internet interaction in which a client Web browser makes an HTTP request over the Internet to a Web server (i.e., server system 410), the Web server assembles the requested Web page, based on various identifying information that is transmitted from the client through HTTP, and transmits that completed Web page to the client for display on the client’s Web browser. *See* Col. 6, ln 59 – Col. 7, ln 31. Applicant respectfully asserts that this selection from *Spiegel* does not teach or even suggest all of the claim limitations of independent claims 1, 7, 13, 20, 27, 32, 37, and 43.

A. *Claims 1–6*

Claim 1 requires, “. . . said moveable shopping cart window object configured to dynamically manifest therein the shopping list received from the shopping list content source in accordance with said data.” One of ordinary skill in the art understands that typical Web/Internet interaction is the display of static pages. This is the standard Web/Internet interaction that is described in *Spiegel*. Column 8 of *Spiegel* describes several flow diagrams

that provide step-by-step descriptions of the server system receiving information from the user/client browser, using that information to retrieve data from a database, such as the user database 413, and using that data to generate a static HTML page that is then sent to the client browser to display. None of the technology described in *Spiegel* teaches or suggests a dynamic data manifestation, as required by claim 1. The dynamic data manifestation required by claim 1 allows the various embodiments of the present invention to display information dynamically onto the Web browser from a remote source. Specification, p. 8, lns 8–13. Therefore, *Spiegel* does not teach or even suggest each and every limitation of claim 1.

Claims 2–6 each depend directly or indirectly from independent claim 1 and, thus, inherit each of the limitations of claim 1. As such, claims 2–6 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 1–6 under 35 U.S.C. § 102(e).

B. Claims 7–12

Claim 7 requires, “... dynamically manifesting said shopping list within said moveable shopping cart window object in accordance with said data.” As noted above, *Spiegel* does not teach this dynamic manifestation, but rather describes standard static Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 7.

Claims 8–12 each depend directly or indirectly from independent claim 7 and, thus, inherit each of the limitations of claim 7. As such, claims 8–12 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 7–12 under 35 U.S.C. § 102(e).

C. Claims 13–17 and 19

Claim 13 requires, “... said controllable shopping cart window object configured to dynamically manifest therein the shopping list received from the shopping list content source in accordance with said data.” As noted above, *Spiegel* does not teach this dynamic manifestation, but rather describes standard static Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 13.

Claims 14–17 and 19 each depend directly or indirectly from independent claim 13 and, thus, inherit each of the limitations of claim 13. As such, claims 14–17 and 19 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 13–17 and 19 under 35 U.S.C. § 102(e).

D. *Claims 20–24 and 26*

Claim 20 requires, “... dynamically manifesting said shopping list within said moveable shopping cart window object in accordance with said data.” As noted above, *Spiegel* does not teach this dynamic manifestation, but rather describes standard static Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 20.

Claims 21–24 and 26 each depend directly or indirectly from independent claim 20 and, thus, inherit each of the limitations of claim 20. As such, claims 21–24 and 26 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 20–24 and 26 under 35 U.S.C. § 102(e).

E. *Claims 27–29*

Claim 27 requires, “... said moveable television window object configured to dynamically manifest therein the audio-visual program received from the audio-visual program content source in accordance with said data.” As noted above, *Spiegel* does not teach this dynamic manifestation, but rather describes standard static Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 27.

Claims 28–29 each depend directly or indirectly from independent claim 27 and, thus, inherit each of the limitations of claim 27. As such, claims 28–29 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 27–29 under 35 U.S.C. § 102(e).

F. Claims 32–34

Claim 32 requires, “... dynamically manifesting said audio-visual program within said moveable television window object in accordance with said data.” As noted above, *Spiegel* does not teach this dynamic manifestation, but rather describes standard static Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 32.

Claims 33–34 each depend directly or indirectly from independent claim 32 and, thus, inherit each of the limitations of claim 32. As such, claims 33–34 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 32–34 under 35 U.S.C. § 102(e).

G. Claims 37–39

Claim 37 requires, “... said controllable television window object configured to dynamically manifest therein the audio-visual program received from the audio-visual program content source in accordance with said data.” As noted above, *Spiegel* does not teach this dynamic manifestation, but rather describes standard static Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 37.

Claims 38–39 each depend directly or indirectly from independent claim 37 and, thus, inherit each of the limitations of claim 37. As such, claims 38–39 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 37–39 under 35 U.S.C. § 102(e).

H. Claims 43–45

Claim 43 requires, “... dynamically manifesting said audio-visual program within said controllable television window object in accordance with said data.” As noted above, *Spiegel* does not teach this dynamic manifestation, but rather describes standard static Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 43.

Claims 44 and 45 each depend directly or indirectly from independent claim 43 and, thus, inherit each of the limitations of claim 43. As such, claims 44 and 45 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 43–45 under 35 U.S.C. § 102(e).

IV. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 18, 25, 30, 31, 35, 36, 40–42, and 46–48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Spiegel* in further view of Hall, Marty, “Core Web Programming,” 1998 (hereinafter *Hall, Marty*).

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Applicants assert that the rejections do not satisfy these criteria.

As noted above, Applicant asserts that *Spiegel* does not teach or even suggest all of the limitations of independent claims 13, 20, 27, 32, 37, and 43. *Spiegel* fails to teach the dynamic manifestation of data as required in those independent claims. Claims 18, 25, 30, 31, 35, 36, 40–42, and 46–48 depend from base claims 13, 20, 27, 32, 37, and 43, respectively, and, thus, inherit each independent claim’s limitations. As such, claims 18, 25, 30, 31, 35, 36, 40–42, and 46–48 are each patentable over *Spiegel*. Moreover, *Hall, Marty* does not teach or suggest dynamic manifestation of data. Therefore, the combination of *Spiegel* with *Hall, Marty* does not teach or even suggest each of the claim limitations of claims 18, 25, 30, 31, 35, 36, 40–42, and 46–48. As such, Applicant respectfully requests the Examiner to withdraw his rejection of claims 18, 25, 30, 31, 35, 36, 40–42, and 46–48 under 35 U.S.C. § 103(a).

V. CONCLUSION

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 65164-P001US-PENDING from which the undersigned is authorized to draw.

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Respectfully submitted,

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